

REMARKS

Claims 1 and 3-15 are pending in the application. Claims 4-8 and 10-15 are withdrawn by the Examiner. Claims 1, 3 and 9 are rejected. The Examiner earlier indicated that claim 3 was allowable before the claim from which it depends, namely claim 1 was amended. Upon entry of the instant Amendment, claim 3 will be pending. Applicants understand all of the rejections to be based primarily on semantics issues. Applicants herein cancel claims 3 and 9 without prejudice, remove the offending recitations of claim 1, and replace these with the recitations of claim 3 thereby effectively combining claims 1 and 3.

Rejection under 35 U.S.C. 112, first paragraph as regards written description

The Examiner says that the specification does not describe a polypeptide of the particular length that Applicants are claiming, i.e. 115 amino acids. Therefore, according to the Examiner, the application doesn't meet the requirements of 35 U.S.C. 112, first paragraph regarding written description. Applicants understand that the rejections continue to be based primarily on semantics issues. Applicants understand that a claim having the following scope would be allowable absent another ground of rejection: "A troponin I fragment consisting of SEQ ID NO:2." Applicants herein change the claims to such scope simply in order to obtain a patent and completely without prejudice.

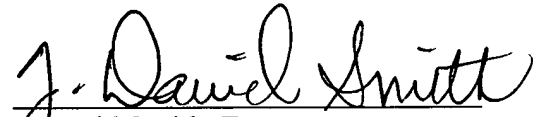
Rejection under 35 U.S.C. 112, second paragraph

The Examiner rejects claim 9 as allegedly unclear. Claim 9 refers to amino acid 20 to 30 but it is unclear allegedly whether this refers to wild type or some other sequences. In the interest of advancing prosecution, Applicants cancel claim 9 thereby obviating this concern as regards clarity.

CONCLUSION

Entry of the foregoing amendments is respectfully requested. An early allowance is earnestly sought.

Respectfully submitted,

A handwritten signature in cursive script, reading "J. David Smith". The signature is written in dark ink and is positioned above a horizontal line.

J. David Smith, Esq.
Attorney for Applicant(s)
Registration No. 39,839

KLAUBER & JACKSON L.L.C.
411 Hackensack Avenue
Hackensack NJ 07601
Tel: (201) 487-5800